

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CSX CORPORATION,
Plaintiff,

v.

THE CHILDREN'S INVESTMENT FUND
MANAGEMENT (UK) LLP, THE CHILDREN'S
INVESTMENT FUND MANAGEMENT
(CAYMAN) LTD., THE CHILDREN'S
INVESTMENT MASTER FUND, 3G CAPITAL
PARTNERS LTD., 3G CAPITAL PARTNERS,
L.P., 3G FUND, L.P., CHRISTOPHER HOHN,
SNEHAL AMIN AND ALEXANDRE
BEHRING, A/K/A ALEXANDRE BEHRING
COSTA,

Defendants.

THE CHILDREN'S INVESTMENT MASTER
FUND,

Counterclaim and Third-
Party Plaintiff

v.

CSX CORPORATION AND MICHAEL WARD,

Counterclaim and Third-
Party Defendants.

3G CAPITAL PARTNERS LTD., 3G CAPITAL
PARTNERS, L.P. AND 3G FUND, L.P.

Counterclaim Plaintiffs,

v.

CSX CORPORATION AND MICHAEL WARD,

Counterclaim Defendants.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>5/30/08</u>

ECF Case

08 Civ. 02764 (LAK) (KNF)

**STIPULATION AND PROPOSED
ORDER REGARDING TRIAL
EXHIBITS AND DEPOSITION
DESIGNATIONS**

WHEREAS this matter is proceeding on an expedited schedule; and

WHEREAS the trial is scheduled to commence on May 21, 2008;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel, as follows:

1. All joint exhibits (attached as Exhibit A) are deemed admitted into evidence.
2. All of plaintiff's exhibits (attached as Exhibit B) are deemed admitted into evidence, except as follows:

- (a) Defendants object to the following exhibits on the grounds of hearsay:
PX Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 38, 48, 51, 59, 60, 63, 64, 65, 74, 75, 78, 96, 97, 98, 99, 100, 101, 103, 108, 116, 119, 120, 123, 124, 130, 146, 150, 159, 167, 169, 170, 173, 176, 177, 178, 179, 183, 184, 185, 186, 203 and 207;
- (b) Defendants object to the following exhibits on the grounds of relevance:
PX Nos. 1, 2, 3, 5, 7, 9, 10, 11, 12, 13, 15, 16, 17 and 18;
- (c) Defendants' objections to PX Nos. 264, 265, 266, 267, 268, 269 and 270 that are set forth in the motions they have filed are not affected by this stipulation; and
- (d) Defendants object to PX No. 272 as prohibited by the terms of the stipulation regarding experts that had previously been entered into between the parties (and so ordered by the Court).

3. All of defendants' exhibits (attached as Exhibit C) are deemed admitted into evidence, except as follows:

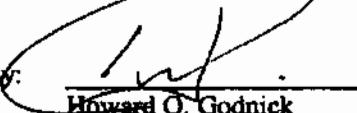
- (a) Plaintiff objects to the following exhibits on the grounds of hearsay:
DX Nos. 2, 3, 4, 12, 16, 31, 39, 40, 50, 54, 55, 99, 107 and 110.

4. All objections to deposition designations and counter-designations are withdrawn, and the designated portions are in evidence.

May 27, 2008

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SO ORDERED:


5/26/08

Lewis A. Kaplan
United States District Judge

Exhibit A
Joint Exhibit List

No.	Doc. Type	Title/Subject	Date	Bates Range	Dep. Ex.
1	SEC Filing	CSX 8K	5/8/2007		
2	SEC Filing	CSX Form 10-Q	10/23/2007		
3	SEC Filing	CSX Schedule 14A (CSX Preliminary Proxy)	2/22/2008		
4	SEC Filing	CSX 10K	2/22/2008		
5	SEC Filing	CSX Schedule 14A (CSX Definitive Proxy)	4/25/2008		
6	SEC Filing	CSX 8K (without exhibits)	2/14/2007		Fitzsimmons 14, Kelly 10
7	SEC Filing	TCI3G Schedule 14A	12/19/2007	TCI0947946-TCI0947986	Richardson 2
8	SEC Filing	TCI3G Schedule 13D	12/19/2007		Moura 12
9	SEC Filing	TCI3G Schedule 13D/A	1/21/2008		
10	SEC Filing	TCI3G Schedule 13DA	1/25/2008		
11	SEC Filing	TCI3G Schedule 14A	2/7/2008		
12	SEC Filing	TCI3G Schedule 14A	3/10/2008		Behring 2, Moura 11
13	SEC Filing	TCI3G Schedule 14A	3/17/2008		
14	SEC Filing	TCI3G Schedule 13D/A	3/18/2008		
15	SEC Filing	TCI3G Schedule 14A	4/4/2008		
16	SEC Filing	TCI3G Schedule 13D/A	4/7/2008		
17	SEC Filing	TCI3G Schedule 14A	4/15/2008		
18	SEC Filing	TCI3G Schedule 14A	4/25/2008		
19	SEC Filing	TCI3G Schedule 14A	4/28/2008		
20	SEC Filing	TCI3G Schedule 14A	4/30/2008		Hohn 10
21	SEC Filing	TCI3G Schedule 14A	5/5/2008		
22	SEC Filing	TCI3G Schedule 14A	5/6/2008		
23	CSX Policy	CSX Corporate Governance Guidelines		CSX_00002756-CSX_00002761	
24	CSX Policy	CSX 2007-2009 Long Term Incentive Plan		CSX_00053461-CSX_00053467	
25	CSX Policy	CSX 2006 Insider Trading Policy		CSX_00053430-CSX_00053434	
26	CSX Policy	CSX Code of Ethics		CSX_00002839-CSX_00002853	
27	CSX Policy	CSX 2007 Insider Trading Policy		CSX_00002777-CSX_00002781	
28	CSX Policy	Amended and Restated CSX Stock Plan for Directors			
29	CSX Policy	CSX Omnibus Incentive Plan	12/12/2007	CSX_00053446-CSX_00053460	
30	CSX Policy	CSX Bylaws	2/4/2008		

Exhibit List of CSX and Michael Ward

No.	Doc. Type	Title/Subject	Date	Bates Range	Dep. Ex.	Objections
1	Board Minutes	Minutes of CSX Governance Committee	12/12/2006	CSX CORP 00007845-CSX CORP 00007855		Hearsay; Relevance
2	Board Minutes	Minutes of CSX Board Meeting	02/14/2007	CSX CORP 00007811-CSX CORP 00007827		Hearsay; Relevance
3	Board Minutes	Minutes of CSX Board Meeting	04/01/2007	CSX CORP 00007828-CSX CORP 00007831		Hearsay; Relevance
4	Board Minutes	Minutes of CSX Board Meeting	04/03/2007	CSX_00045776-CSX_00045780	Kelly 4, Munoz 7, Richardson 4	Hearsay
5	Board Minutes	Minutes of CSX Finance Committee	04/13/2007	CSX_00042034-CSX_00042037	Bryson 13	Hearsay; Relevance
6	Board Minutes	Minutes of CSX Board Meeting	04/16/2007	CSX_00045781-CSX_00045786	Kelly 8, Richardson 8	Hearsay
7	Board Minutes	CSX Compensation Committee Minutes	05/01/2007	CSX CORP 00007432-CSX CORP 00007436		
8	Board Minutes	Minutes of CSX Board Meeting	05/01/2007	CSX_00041996-CSX_00042006	Fitzsimmons 8, Kelly 1, Munoz 25, Richardson 8	Hearsay
9	Board Minutes	Minutes of CSX Board Meeting	05/07/2007	CSX CORP 00007484-CSX CORP00007487		Hearsay; Relevance
10	Board Minutes	Minutes of CSX Board Meeting	07/11/2007	CSX_00042007-CSX_00042018		Hearsay; Relevance
11	Board Minutes	Minutes of CSX Board Meeting	09/12/2007	CSX_00042019-CSX_00042033	Munkow 16	Hearsay; Relevance
12	Board Minutes	Minutes of CSX Board Meeting	11/15/2007	CSX_00045825-CSX_00045829		Hearsay; Relevance
13	Board Minutes	Minutes of CSX Governance Committee	12/11/2007	CSX_00077268-CSX_00077291		Hearsay; Relevance
14	Board Minutes	Minutes of CSX Board Meeting	12/12/2007	CSX_00045830-CSX_00045863		Hearsay
15	Board Minutes	Minutes of CSX Board Meeting	01/16/2008	CSX CORP 00008171-CSX CORP 00008174	Kelly 13	Hearsay; Relevance
16	Board Minutes	Minutes of CSX Board Meeting	02/04/2008	CSX CORP 00008175-CSX CORP 00008179		Hearsay; Relevance
17	Board Minutes	Minutes of CSX Board Meeting	02/13/2008	CSX CORP 00008180-CSX CORP 00008202	Miller 13	Hearsay; Relevance
18	Board Minutes	Minutes of CSX Board Meeting	03/14/2008	CSX CORP00008203-CSX CORP00008209		Hearsay; Relevance
19	Board Minutes	TCI Board Meeting Minutes	07/19/2007	TCI0011384-TCI0011388	Amin 2	

No.	Doc. Type	Title/Subject	Date	Bates Range	Dep. Ex.	Objections
20	Email	Email to A. Jones from R. Sunak re: CSX Quick LBO Model Sent to AJ.xls	12/08/2006	TCI0159799-TCI0159802	Amin 9; Sunak 8	
21	Email	Email to C. Hohn from S. Amin re: Mittal and Union Pacific	12/18/2006	TCI0170440-TCI0170440	Amin 10	
22	Email	Email to S. Amin from R. Sunak re: CSX Swap Positions	12/18/2006	TCI0170905-TCI0170905	Amin 23	
23	Email	Email to C. Hohn from P. Degorce re: Fund leverage	12/22/2006	TCI0002892-TCI0002893		
24	Email	Email to D. Tran from C. Hohn	12/24/2006	TCI0003053-TCI0003054	Hohn 8	
25	Email	Email to C. Hohn from P. Degorce re: Gerry's altria model	12/24/2006	TCI 0002980-TCI 0002995		
26	Email	Email to S. Powers from C. Hohn re: Best Ideas and Swiss Market Outlook 2007 (Vontobel)	12/24/2006	TCI 0002996-TCI 0002997		
27	Email	Email to T. Keough from C. Hohn re: Friday's CSX Swap Execution	12/25/2006	TCI0175685-TCI0175685		
28	Email	Email to S. Amin et al. from C. Hohn re: Disclosure Requirements	12/27/2006	TCI0176368-TCI0176368	Hohn 6, Sunak 11	
29	Email	Email to C. Hohn from R. Ottley et al. re: Broker Requirements	12/27/2006	TCI0929163-TCI0929165	Amin 24, Sunak 12	
30	Email	Email to C. Hohn from R. Ottley et al. re: Takeover Defense Profile	12/27/2006	TCI0929166-TCI0929169		
31	Email	Email from S. Amin to R. Sunak re: CSX Swaps [Deleted]	12/29/2006	TCI0957195-TCI0957200	Amin 11	
32	Email	Email to S. Amin from N. Walsh re: Takeover Defense Profile	01/12/2007	TCI0003882-TCI0003883		
33	Email	Email to R. Sunak from S. Amin re: CSX [Deleted]	01/12/2007	TCI0003887-TCI0003889		
34	Email	Email to J. McCall from C. Hohn re: Hunter Harrison	04/09/2007	TCI0397175-TCI0397175		
35	Email	CSX Presentation prepared for N. Walsh	01/22/2007	TCI0153568-TCI0153577	Munoz 3	
36	Presentation	Email to E. Gross and M. Elchom from P. Donahue re: CSX Swaps	01/26/2007	MS-TCI_ 000496-MS-TCI_ 000496	Hearsay	

No.	Doc. Type	Title/Subject	Date	Bates Range	Dep. Ex.	Objections
39	Email	Email to D. Baggs et al. from N. Walsh re: TCI	02/01/2007	CSX_00006435-CSX_00006435	Munoz 4	
40	Email	Email to S. Amin from J. Ho re: Today's Trading	02/01/2007	TCI0024086-TCI0024089		
41	Email	Email to D. Das from A. Behring re: CSX Board Election	02/08/2007	3GC00006814-3GC00006814	Behring 6, Schwartz 2	
42	Email	Email to C. Hohn from S. Amin re: Arcelor Brasil MTO - urgent	02/13/2007	TCI0338565-TCI0338565	Amin 16, Behring 12, Hohn 4	
43	Presentation	CSX Discussion Materials	02/14/2007	CSX_00041506-CSX_00041539		
44	Email	Email to R. Sunak from S. Amin re: Volume Response	02/19/2007	TCI0024377-TCI0024385	Amin 26	
45	Email	Email to C. Hohn from M. Gaonkar re: CSX	02/19/2007	TCI0024365-TCI0024367		
46	Email	Email to S. Amin from V. Bodas	02/20/2007	TCI0345190-TCI0345192	Amin 15, Hohn 1	
47	Email	Email to C. Hohn et al. from P. Degorce re: Investment Strategizing	02/24/2007	TCI0350650-TCI0350652	Amin 27	
48	Email	Email to C. Hohn from V. Bodas re: TCI Stake in CSX	02/24/2007	TCI0025559-TCI0025561	Hohn 2	Hearsay
49	Email	Email to S. Amin et al. from S. Amin re: rails	02/25/2007	TCI0025730-TCI0025733	Amin 28, Sunak 13	
50	Email	[Deleted]				
51	Email	Email to N. Walsh et al. from P. Donahue re: Swap Agreement	03/01/2007	MS-TCI_000503-MS-TCI_000503		Hearsay
52	Email	Email to D. Baggs from S. Amin re: questions	03/01/2007	TCI0027055-TCI0027055		
53	Email	Email to V. Bodas from C. Hohn re: Buy CSX	03/02/2007	TCI0356128-TCI0356130	Hohn 3	
54	Email	Email to ek@lpcap.com from C. Hohn re: Contacts with Other Funds	03/02/2007	TCI0028286-TCI0028286		
55	Letter	Letter to M. Ward from S. Amin re: Hart-Scott-Rodino Notification	03/02/2007	CSX CORP 00007142-CSX CORP 00007142		
56	Email	Email to S. Amin from C. Hohn re: Skadden arps	03/04/2007	TCI0028323-TCI0028323		
57	Email	Email to A. Crawford-Brunt from S. Amin re: Call	03/05/2007	TCI0028523-TCI0028525	Sunak 5	
58	Email	Email to ek@lpcap.com from S. Amin re: CSX	03/05/2007	TCI 0028526-TCI 0028526		

No.	Doc. Type	Title/Subject	Date	Bates Range	Dep. Ex.	Objections
59	Email	Email to R. Sunak from B. Lonergan re: Project Lionel: Final Presentation	03/06/2007	TCI0028788-TCI0028826		Hearsay
60	Email	Email to S. Amin from E. Krishnan re: CSX	03/08/2007	TCI0029355-TCI0029355		Hearsay
61	Letter	TCI Letter to M. Ward et al. from S. Amin re: Requesting Meeting With CSX	03/08/2007	CSX CORP 00007143-CSX CORP 00007144		
62	Letter	Letter to S. Amin from O. Munoz re: CSX	03/12/2007	CSX_00004277-CSX_00004277	Munoz 6	
63	Email	Email to K. Alleyn from C. Bahbou re: 3G Capital-CSX trades	03/14/2007	3GC00006398-3GC00006398	Behring 3	Hearsay
64	Email	Email to R. Sunak from B. Goldberg re: DB Next Week	03/18/2007	TCI0874677-TCI0874682	Amin 6	Hearsay
65	Presentation	TCI Discussion Materials Presentation	03/21/2007	TCI0962468-TCI0962527	Amin 7	Hearsay
66	Miscellaneous	Calendar Entry re: TCI Meeting	03/29/2007	TCI0962541-TCI0962541	Amin 17, Behring 10, Sunak 14	
67	Email	Email to D. Schwartz from A. Behring re: Very important to figure out how the 5% rule applies, etc.	04/02/2007	3GC00006633-3GC00006633	Behring 20	
68	Email	Email to C. Bahbou from A. Behring re: CSX cds	04/03/2007	3GC00006396-3GC00006397	Behring 19	
69	Email	Email to C. Bahbou from D. Schwartz re: shrs	04/03/2007	3GC00006727-3GC00006727		
70	Email	Email to K. Graham et al. from S. Amin re: Another CSX derailment this morning	04/04/2007	TCI0393668-TCI0393669		
71	Email	Email to N. Bryson et al. from G. Ha re: Bain Conclusions Presentation	04/05/2007	EVRO0277-EVR00296	Ha 6	
72	Email	Email to G. Ha from S. Amin Re: CSX	04/05/2007	EVRO4135-EVR04137		
73	Email	Email to S. Amin from S. Amin Re: CSX.xls	04/05/2007	TCI0058779-TCI0058823		
74	Notes	Notes of 4/7/07 Call with TCI Re: Pricing Power	04/07/2007	EVRO2552-EVR02555		Hearsay
75	Email	Email to C. Hohn from J. McCall re: Hunter Harrison	04/09/2007	TCI0397192-TCI0397193		Hearsay

No.	Doc. Type	Title/Subject	Date	Bates Range	Dep. Ex.	Objections
76	Email	Email to O. Munoz et al. from N. Bryson re: Typed Notes	04/10/2007	EVRO0077-EVRO0081	Ha 7	
77	Email	Email to Ha@evercore.com from R. Sunak	04/12/2007	TCI0874854-TCI0874861	Amin 21	
78	Email	Email to G. Ha from N. Bryson re: Notes from Q&A session	04/13/2007	EVRO0057-EVRO0057	Ha 9	Hearsay
79	Presentation	CSX Corporation Discussion Materials	04/13/2007	EVRO0467-EVRO0500		
80	Presentation	CSX Discussion Materials	04/13/2007	CSX_00021817-CSX_00031850	Kelly 7	
81	Presentation	CSX Board of Directors Update	04/16/2007	CSX_00042118-CSX_00042152	Richardson 5	
82	Email	Email to C. Bahbout from A. Behring re: Important to update tomorrow, etc.	04/17/2007	3GC00006759-3GC00006759	Behring 9	
83	Email	Email to C. Hohn from S. Amin re: question for YOUL	04/18/2007	TCI0254261-TCI0254263		
84	Email	Email to S. Amin from R. Sunak re: Working with Other Funds	04/24/2007	TCI0033599-TCI0033599	Sunak 15	
85	Email	Email to R. Sunak from S. Amin re: Letter to CSX Board	04/24/2007	TCI0033844-TCI0033847	Sunak 4	
86	Email	Email to R. Sunak from C. Hohn	04/24/2007	TCI0033598-TCI0033598		
87A	Email	Email to R. Moodgal from C. Hohn re: Monthly TCI Update	04/29/2007	TCI0418758-TCI0418759	Amin 30	
88	Presentation	CSX Board of Directors Meeting Materials	05/01/2007	CSX_00042163-CSX_00042184	Richardson 7	
89	Presentation	Compensation Market Review and New Long Term Incentive Plan	05/01/2007	CSX_00084434-CSX_00084452		
90	Presentation	3GC Capital January-April 07 Review	May-07	3GC00014051-3GC00014097	Moura 5	
91	Presentation	CSX Board of Directors Meeting	05/02/2007	CSX_00035131-CSX_00035151	Munoz 26	
92	Miscellaneous	Rating Agency Meeting Notes	05/04/2007	CSX CORP 00007569-CSX CORP 00007570		
93	Email	Email to richard@sharp.co.uk from S. Amin re: URGENT	05/06/2007	TCI0957765-TCI0957772		
94	Email	Email to D. Schwartz from C. Bahbout re: are you selling your mot?	05/08/2007	3GC00006331-3GC00006331		
95	Miscellaneous	Calendar entry re: Shehaf Amin Speaks at Bear Stearns Conference	05/08/2007	3GC00012471-3GC00012471	Behring 13	

No.	Doc. Type	Title/Subject	Date	Bates Range	Dep. Ex.	Objections
96	Presentation	Snehal Amin's Bear Stearns Speech	05/08/2007	CSX_00000380-CSX_00000397		Hearsay
97	Press Release	CSX Announces Actions to Enhance Shareholder Value Based on Higher Expectations for its Businesses	05/08/2007	CSX_00053058-CSX_00053059	Goldman 12	Hearsay
98	Email	Email to C. Hohn from S. Amin re: TCI Holds Stakes in Three U.S. Railroads, Partner Says (Upd)	05/09/2007	TCI0431873-TCI0431876		Hearsay
99	Email	Email to A. Behring and S. Amin from C. Hohn re: CSX	01/16/2008	TCI0742256-TCI0742256		Hearsay
100	Email	Email to R. Sunak from S. Amin re: CSX Follow-up	05/15/2007	TCI0437441-TCI0437462	Amin 8	Hearsay
101	Email	Email to E. Fitzsimmons from D. Baggs re: Shareholder Proposals	05/22/2007	CSX_00024001-CSX_00024001		Hearsay
102	Email	Email to D. Baggs from S. Amin re: CSX Accountability and Rationale	06/04/2007	CSX_CORP_00007160-CSX_CORP_00007160		
103	Email	Email to N. Bryson et al. from E. Mestre re: TCI Communication Materials	06/05/2007	EVR00099-EVR00101	Ha 25	Hearsay
104	Presentation	Project Blue Ridge Discussion Materials	06/20/2007	CSX_00041455-CSX_00041489	Ward 13	
105	Letter	Letter to O. Munoz from A. Behring re: Acquisition of Common Stock (Notice of 3G HSR Filing)	06/20/2007	CSX_00011725-CSX_00011727		
106A	Email	Email to S. Capstick from S. Beckman re: DB-Rates	06/14/2007	TCI0472696-TCI0472699		
107	Presentation	TCI 3rd Annual Investor Conference	06/19/2007	TCI0262542-TCI0262571	Behring 14	
108	Letter	Letter to O. Munoz from Evercore Team re: Meeting with TCI	06/20/2007	CSX_00001475-CSX_00001475		Hearsay
109	Email	Email to G. Ha et al. from F. Pernahos re: TCI Meeting	06/21/2007	EVR00102-EVR00103	Bryson 9	
110	Email	Email to C. Hohn from R. Moodgal re: Q2 Letter	07/07/2007	TCI0209472-TCI0209472		
111	Email	Email to G. Ha et al. from E. Mestre re: TCI	07/17/2007	EVR00152-EVR00153	Ha 28	

No.	Doc. Type	Title/Subject	Date	Bates Range	Dep. Ex.	Objections
112	Email	Email to O. Munoz from E. Mestre re: TCI	07/18/2007	EVR00151-EVR00151		
113	Email	Email to W. Greene et al. from R. Sunak	07/25/2007	TCI0010352-TCI0010354		
114	Email	Email to S. Amin from C. Hohn re: Lawyer for CSX	07/26/2007	TCI0234553-TCI0234553		
115	Email	Email to A. Hatch from S. Amin re: dinner with A. Crown	07/24/2007	TCI0009931-TCI0009932		
116	Miscellaneous	TCI Initial Meeting Agenda	08/02/2007	TCI0154476-TCI0154477		Hearsay
117	Letter	Letter to P.C. Harkins from M.E. Goodall re: Preliminary Assessment	08/06/2007	TCI0890041-TCI0890048		Hearsay
118	Letter	Letter to S. Amin and R. Sunak from P.C. Harkins et al. re: Response to Email Inquiries	08/07/2007	TCI0890032-TCI0890037		
119	Email	Email to J. Hawks from S. Amin re: Alternative Structure	08/08/2007	TCI0932176-TCI0932180		Hearsay
120	Email	Email to O. Munoz from G. Ha re: TCI	08/20/2007	EVRO0232-EVR00232		Hearsay
121	Email	Email to O. Munoz from C. Hohn re: Rail Regulation Bill	08/23/2007	CSX CORP 000007174-CSX CORP 00007175		
122	Email	Email to A. Behring et al. from D. Schwartz re: main points from CSX Investor Day	09/06/2007	3GC00006245-3GC00006245	Schwartz 9	
123	Email	Email to E. Mestre from G. Ha re: UBS Railroads Weekly: Oink	09/06/2007	EVR00195-EVR00225		Hearsay
124	Email	Email to E. Fitzsimmons et al from O. Munoz re: TCI Conversation Notes	09/07/2007	CSX_00011503-CSX_00011505	Munoz 12	Hearsay
125	Email	Email to C. Hohn from P. Degorce re: CSX	09/09/2007	TCI0015876-TCI0015876		
126	Email	Email to C. Hohn from S. Amin re: rails	09/12/2007	TCI0017049-TCI0017051	Amin 29	
127	Letter	TCI Letter to Investors re: The Children's Investment Master Fund	09/13/2007	3GC00012232-3GC00012247	Moura 3	
128	Email	Email to P. Harkins from S. Amin re: D. F. King	09/20/2007	TCI0934909-TCI0934910		
129	Email	Email to R. Bont from B. Piquet re: Revised Children's Investment Fund documentation	09/25/2007	3GC00012146-3GC00012149		

No.	Doc. Type	Title/Subject	Date	Bates Range	Dep. Ex.	Objections
130	Email	Email to N. Goldman et al. from A. Miller re: Voting Patterns	09/26/2007	INNIS3-000002494-INNIS3-000002495	Miller 9	Hearsay
131A	Miscellaneous	TCI Master Fund Q3 2007 Report	October, 2007	TCI0565764-TCI0565773	Moura 1	
132	Presentation	3G Capital 3Q07 Review	October, 2007	3GC00014152; 3GC00014187-	Schwartz 5	
133	Email	Email to R. Sunak from R. Sunak re: TCI Stake in CSX	10/04/2007	TCI0081104-TCI0081104	Sunak 3	
134	Email	Email to P. Harkins from S. Amin re: D.F. King	10/05/2007	TCI0955604-TCI0955608	Harkins 2	
135	Email	Email to S. Amin from C. Hohn re: D.F. King	10/07/2007	TCI0955614-TCI0955619	Harkins 3	
136	Email	Email to R. Sunak from R. Sunak re: FW: meeting	10/04/2007	TCI0079687-TCI0079687		
137	Email	Email to C. Hohn et al. from S. Amin re: Confidential Transportation Proposal 9-11-07	10/07/2007	TCI0512732-TCI0512756		
138	Email	Email to C. Hohn from S. Amin re: Urgent	10/07/2007	TCI0878855-TCI0878857		
139	Email	Email to tto45@hotmail.com from S. Amin re: T. O'Toole and Process	10/08/2007	TCI0955131-TCI0955131		
140	Letter	Letter to CSX Board of Directors from C. Hohn and S. Amin re: Attempted Communication with CSX	10/16/2007	CSX CORP 00007180-CSX CORP00007193		
141	Letter	Letter to CSX Board of Directors from S. Amin re: CSX Statements	10/22/2007	CSX_00007206-CSX_00007207		
142	Miscellaneous	CSX Confidential Operating Plan entitled "Project Improve"	10/22/2007	LAM 0000003-LAM 0000013	Bebring 17, Moura 7, Lamphere 4; Schwartz 7	
143	Email	Email to L. Moura from D. Schwartz re: CSX hedge	10/24/2007	3GC00007627-3GC00007627		
144	Miscellaneous	Project Chester Working Group List	11/01/2007	LAM0000289-LAM0000290	Lamphere 2	
145	Email	Email to G. Lamphere from N. Gelher re: 3G/Project Chester	11/02/2007	LAM0000178-LAM0000178	Lamphere 1	

No.	Doc. Type	Title/Subject	Date	Bates Range	Dep. Ex.	Objections
146	Email	Email to R. Sunak from S. Okeefe re: Aggressive Case Scenario NS Performance Level	11/06/2007	TCI0582333-TCI0582334		Hearsay
147	Email	Email to J. McPherson from S. Amin re: CSX- the case for change Ppt	11/16/2007	TCI0602839-TCI0602842		
148	Email	Email to J. O'Flynn from C. Hohn re: cash	11/18/2007	TCI0945770-TCI0945771		
149	Email	Email to N. Bryson from G. Ha re: FW: Chris Hohn	12/19/2007	EVR00166-EVR00166	Ha 17	
150	Email	Email to O. Munoz from G. Ha re: Chris Hohn	12/19/2007	CSX_00000703-CSX_00000703	Munoz 15	Hearsay
151		[Deleted]				
152	Miscellaneous	Operating Plan/Model: Project Improve	12/20/2007	TCI0961756-TCI0961767	Amin 31, Schwartz 8	
153	Email	Email to A. Behring et al. from M. Bianchini re: Working Group List	12/21/2007	LAM 0000249-LAM 0000264	Lamphere 3	
154	Email	Email to S. Amin from C. Hohn re: Meeting with Ned Kelly of Carlyle, lead director of csx	12/22/2007	TCI0674511-TCI0674511		
155	Email	Email to D. Schwartz from L. Moura re: CSX Development	12/23/2007	3GC00007935-3GC00007936	Moura 14	
156	Miscellaneous	D.F. King "Short-Slate Voting Dynamics"	01/02/2008	TCI0891594-TCI0891602	Harkins 7	
157	Email	Email to E. Kelly from C. Hohn re: Gary Wilson	01/08/2008	TCI0874539-TCI0874540		
158	Email	Email to E. Kelly from C. Hohn re: Other Directors for you to consider	01/08/2008	TCI0874541-TCI0874542		
159	Letter	TCI Letter to E. Fitzsimmons from C. Hohn re: Official Notice	01/08/2008		Fitzsimmons 3?	Hearsay
160	Presentation	D.F. King Preliminary Vote Outlook Presentation	01/08/2008	TCI0891556-TCI0891593	Hohn 5; Harkins 4	
161	Email	Email to G. Wilson from C. Hohn re: Gary Wilson	01/09/2008	TCI0874906-TCI0874909		
162	Email	Email to C. Hohn from E. Kelly re: Other Directors for you to consider	01/09/2008	TCI0880833-TCI0880835		

No.	Doc. Type	Title/Subject	Date	Bates Range	Dep. Ex.	Objections
163	Email	Email to E. Kelly from C. Hohn re: Any progress on John Wilder checks?	01/12/2008	TCI0874572-TCI0874573		
164	Email	Email to S. Amin from C. Hohn re: Any progress on John Wilder checks?	01/14/2008	TCI0880853-TCI0880854		
165	Email	Email to E. Kelly from C. Hohn re: Your proposal	01/14/2008	TCI0874575-TCI0874576		
166	Letter	Letter to M. Weingarten from E. Fitzsimmons Responding to TCI's Notice	01/15/2007	CSX_00011825-CSX_00011825	Goldman 9; Fitzsimmons 4	
167	Email	Email to G. Sard et al. from S. Amin re: CSX	01/16/2008	TCI0959372-TCI0959373		Hearsay
168	Letter	Letter to E. Fitzsimmons from M. Weingarten Replying to CSX Letter	01/16/2008	CSX_00011790-CSX_00011804	Fitzsimmons 5	
169	Email	Email to A. Behring et al. from C. Hohn	01/18/2008	TCI0873120-TCI0873120		Hearsay
170	Email	Email to M. Austin from G. Nathan re: As Information	01/18/2008	CSX_00008018-CSX_00008021		Hearsay
171	Email	Email to V. Fleischmann from N. Damon re: Unanimous Written Consent	01/30/2008	CSX_00094758-CSX_00094770	Fitzsimmons 15	
172	Miscellaneous	CSX Unanimous Written Consents	02/04/2008	CSX CORP 00008210-CSX CORP 00008223		
173	Email	Email to N. Damon from N. Goldman re: FW: NK Jan 16 Message to C Hohn	02/06/2008	CSX_00008414-CSX_00008415		Hearsay
174	Email	Email to B. Piquet from J. Karis re: 3G Capital Margin	02/08/2008	3GC00012120-3GC00012121		
175	Email	Email to J. Karis from B. Piquet Re: CSX Proxy	02/12/2008	3GC00005153-3GC00005155		
176	Letter	CSX Board Responds to TCI	02/14/2008	CSX_00003029-CSX_00003031		Hearsay
177	Email	Email to A. Stephenson from A. Miller re: CSX Settlement Information	02/28/2008	INNIS3-000002388-INNIS3-000002392		Hearsay
178	Email	Email to E. Fitzsimmons from A. Miller re: CSX Settlement Information.	02/28/2008	INNIS3-000002394-INNIS3-000002398		Hearsay

No.	Doc. Type	Title/Subject	Date	Bates Range	Dep. Ex.	Objections
179	Email	Email to A. Miller et al. from L. Lefcourt re: CSX Compare-- HOLY SHIT WHAT THE HEIL WENT ON HERE SWAP-O-RAMA	02/28/2008	INNIS3-0000011998-INNIS3-000002001		Hearsay
180	Email	Email to L. Moura et al. from B. Piquer re: CSX	02/29/2008	3GC00007520-3GC00007521	Moura 15	
181A	Email	Email to C. Hohn from P. Degorce re: Credit Markets are in awful shape	03/02/2008	TCI0837650-TCI0837657		
182A	Email	Email to P. Degorce from C. Hohn re: Mkt and portfolio	03/03/2008	TCI0858749-TCI0858750		
183	Email	Email to S. Amin from P. Harkins re: Roadshow	03/09/2008	TCI0962609-TCI0962610		Hearsay
184	Publication	Washington Times Editorial entitled "Rewards for Railroads"	03/11/2008	CSX_00024257-CSX_00024258		Hearsay
185	Press Release	CSX Brings Action Against Hedge Funds TCI and 3G for Violating Federal Securities Laws	03/17/2008	CSX_00009579-CSX_00009581		Hearsay
186	Press Release	CSX Provides Earnings Guidance; Announces Share Repurchase Program and Dividend Increase	03/17/2008	CSX_00009576-CSX_00009578		Hearsay
187	Letter	Letter to M. Swartz from R.J. Nelson re: Citigroup Subpoena	05/07/2008			
188	Miscellaneous	TCI Broker Expenses Summary 2006-2008	05/07/2008			
189	CSX Snapshots	Collection of CSX Shareholder Snapshots		See Exhibit B 24 of Subrahmanyam Expert Report		
190	Email	Email to S. Amin from A. Hatch re: TCI would like to speak to Al Crown.		TCI0015874-TCI0015875		
191	Miscellaneous	Spreadsheet with December 2007 "Share Scenarios" Chart About Proxy Fight That Includes TCI Swap Info		TCI0888184-TCI0888185	Sunak 6	
192	Miscellaneous	C. Hohn's Calendar October 2007		TCI0961858-TCI0961858		
193	Miscellaneous	A. Behring's Calendar August 2007-March 2008		3GC00013894-3GC00013925	Behring 15	

No.	Doc. Type	Title/Subject	Date	Bates Range	Dep. Ex.	Objections
194	Miscellaneous	G. Lamphere Calendar October 2007-March 2008		LAM0000236-1.AM0000241		
195	Miscellaneous	3G Swap Transactions		3GC00013926-3GC00013926	Behring 5	
196	Miscellaneous	TCI Swap and Stock Trading Information, October 2006 - February 2008		TCI0928579-TCI0928588		
197	Miscellaneous	TCI Swap and Stock Trading Information, October 2006 - April 2007 (attachment to 8/16/2007 email to S. Amin from P. Parmar)		TCI0252277-TCI0252284		
198	Miscellaneous	TCI Stock and Swap Summary		TCI0453324-TCI0453324		
199	Presentation	3G Presentation on US Railroads	March, 2007	TCI0153608-TCI0153700	Amin 18, Behring 11, Moura 10	
200	Presentation	3G Review Presentation covering Jan - April 2007	May, 2007	3GC000014051-3GC00014151	Schwartz 3	
201	Presentation	CSX Investment Case		3GC00000024-3GC00000040	Behring 18, Moura 4	
202	Presentation	3G Capital 1H07 Review	July, 2007	3GC00014252-3GC00014358	Schwartz 4	
203	Presentation	Evercore and Morgan Stanley Presentation re: Functioning of Total Return Swaps for Equity Investments	June, 2007	MS-TCI_000561-MS-TCI_000570	Hearsay	
204	Presentation	3G Capital: 4Q07 Review	February, 2007	3GC00013951-3GC00014050		
205	SEC Filing	CSX 10K	02/22/2008	3GC00001353-3GC00001555		
206	Miscellaneous	List of all known swap and stock transactions	05/03/2008		Amin 1	
207	Email	Email from D. Baggs to S. Amin re: AGM vote	05/14/2007	CSX_000112176-CSX_00012177	Hearsay	
208	SEC Filing	CSX 8K	05/08/2007	Reclassified as JX 1		
209	SEC Filing	CSX Form 10-Q	10/23/2007	Reclassified as JX 2		
210	SEC Filing	CSX Schedule 14A (CSX Preliminary Proxy)	02/22/2008	Reclassified as JX 3		
211	SEC Filing	CSX 10K	02/22/2008	Reclassified as JX 4		
212	SEC Filing	CSX Schedule 14A (CSX Definitive Proxy)	04/25/2008	Reclassified as JX 5	Fitzsimmons 14, Kelly 10	
213	SEC Filing	CSX 8K (without exhibits)	02/14/2007	Reclassified as JX 6	Richardson 2	
214	SEC Filing	TCI3G Schedule 14A	12/19/2007	Reclassified as JX 7		
215	SEC Filing	TCI3G Schedule 13D	12/19/2007	Reclassified as JX 8	Moura 12	
216	SEC Filing	TCI3G Schedule 13D/A	01/21/2008	Reclassified as JX 9		

No.	Doc. Type	Title/Subject	Date	Bates Range	Dep. Ex.	Objections
217	SEC Filing	TCI/3G Schedule 13D/A	01/25/2008	Reclassified as JX 10		
218	SEC Filing	TCI/3G Schedule 14A	02/07/2008	Reclassified as JX 11		
219	SEC Filing	TCI Schedule 14A	03/10/2008	Reclassified as JX 12	Behring 2, Moura 11	
220	SEC Filing	TCI/3G Schedule 14A	03/17/2008	Reclassified as JX 13		
221	SEC Filing	TCI/3G Schedule 13D/A	03/18/2008	Reclassified as JX 14		
222	SEC Filing	TCI/3G Schedule 14A	04/04/2008	Reclassified as JX 15		
223	SEC Filing	TCI/3G Schedule 13D/A	04/07/2008	Reclassified as JX 16		
224	SEC Filing	TCI/3G Schedule 14A	04/15/2008	Reclassified as JX 17		
225	SEC Filing	TCI/3G Schedule 14A	04/25/2008	Reclassified as JX 18		
226	SEC Filing	TCI/3G Schedule 14A	04/28/2008	Reclassified as JX 19		
227	SEC Filing	TCI/3G Schedule 14A	04/30/2008	Reclassified as JX 20	Hohn 10	
228	SEC Filing	TCI/3G Schedule 14A	05/05/2008	Reclassified as JX 21		
229	SEC Filing	TCI/3G Schedule 14A	05/06/2008	Reclassified as JX 22		
230	Swap Agreement	Agreements Between Citigroup and TCI		See Exhibit B.1 of Subrahmanyam Expert Report		
231	Swap Agreement	Agreements Between Credit Suisse and TCI		See Exhibit B.2 of Subrahmanyam Expert Report		
232	Swap Agreement	Agreements Between Deutsche Bank and TCI		See Exhibit B.3 of Subrahmanyam Expert Report		
233	Swap Agreement	Agreements Between Goldman Sachs and TCI		See Exhibit B.4 of Subrahmanyam Expert Report		
234	Swap Agreement	Agreements Between JPMorgan Chase and TCI		See Exhibit B.5 of Subrahmanyam Expert Report		
235	Swap Agreement	Agreements Between Merrill Lynch and TCI		See Exhibit B.6 of Subrahmanyam Expert Report		
236	Swap Agreement	Agreements Between Morgan Stanley and TCI		See Exhibit B.7 of Subrahmanyam Expert Report		
237	Swap Agreement	Agreements Between Morgan Stanley and 3G		See Exhibit B.8 of Subrahmanyam Expert Report		
238	Swap Agreement	Agreements Between UBS and TCI		See Exhibit B.9 of Subrahmanyam Expert Report		
239A	Swap Confirmation	Collection of Swap Trading Records between Citigroup and TCI		See Exhibit B.12 of Subrahmanyam Expert Report		
240A	Swap Confirmation	Collection of Swap Trading Records between Credit Suisse and TCI		See Exhibit B.13 of Subrahmanyam Expert Report		

No.	Doc. Type	Title/Subject	Date	Bates Range	Dep. Ex.	Objections
241A	Swap Confirmation	Collection of Swap Trading Records between Deutsche Bank and TCI		See Exhibit B.14 of Subrahmanyam Expert Report		
242A	Swap Confirmation	Collection of Swap Trading Records between Goldman Sachs and TCI		See Exhibit B.15 of Subrahmanyam Expert Report		
243	Swap Confirmation	Collection of Swap Trading Records between JPMorgan Chase and TCI		See Exhibit B.16 of Subrahmanyam Expert Report		
244A	Swap Confirmation	Collection of Swap Trading Records between Merrill Lynch and TCI		See Exhibit B.17 of Subrahmanyam Expert Report		
245A	Swap Confirmation	Collection of Swap Trading Records between Morgan Stanley and 3G		See Exhibit B.18 of Subrahmanyam Expert Report		
246	Swap Confirmation	Collection of Swap Trading Records between Morgan Stanley and TCI		See Exhibit B.19 of Subrahmanyam Expert Report		
247A	Swap Confirmation	Collection of Swap Trading Records between UBS and TCI		See Exhibit B.20 of Subrahmanyam Expert Report		
248	Stock Confirmation	Collection of Stock Confirmations		See Exhibit B.21 of Subrahmanyam Expert Report		
249A	Stock Confirmation	Collection of Counterparty Hedging Documents		See Exhibit B.23 of Subrahmanyam Expert Report and Exhibit 1.1 of Subrahmanyam Rebuttal Expert Report		
250	CSX Policy	CSX Corporate Governance Guidelines		Reclassified as JX 23		
251	CSX Policy	CSX 2007-2009 Long Term Incentive Plan		Reclassified as JX 24		
252	CSX Policy	CSX 2006 Insider Trading Policy		Reclassified as JX 25		
253	CSX Policy	CSX Code of Ethics		Reclassified as JX 26		
254	CSX Policy	CSX 2007 Insider Trading Policy		Reclassified as JX 27		
255	CSX Policy	Amended and Restated CSX Stock Plan for Directors	12/08/2004	Reclassified as PX 261		
256	CSX Policy	CSX Omnibus Incentive Plan	12/12/2007	Reclassified as JX 29		
257	CSX Policy	CSX Bylaws	02/04/2008	Reclassified as JX 30		
258	SEC Filing	TCI/3G Schedule 14A	05/09/2008			
259	SEC Filing	TCI/3G Schedule 14A	05/12/2008			

No.	Doc. Type	Title/Subject	Date	Bates Range	Dep. Ex.	Objections
260	SEC Filing	TCI/JG Schedule 14A	05/12/2008			
261	CSX Policy	Amended and Restated CSX Stock Plan for Directors	12/08/2004	CSX_00053438-CSX_00053445		
262	Email	Email to D. Baggs from R. Sunak re: Investor Presentation October 2006	10/17/2006	TCI0956635-TCI0956649		
263		[Deleted]				
264	Witness Statement	Witness Statement of Michael J. Ward				Objections are set forth in defendants' motions filed
265	Witness Statement	Witness Statement of William C. Richardson				Objections are set forth in defendants' motions filed
266	Witness Statement	Witness Statement of Edward J. Kelly III				Objections are set forth in defendants' motions filed
267	Witness Statement	Witness Statement of Oscar Munoz				Objections are set forth in defendants' motions filed
268	Witness Statement	Witness Statement of David H. Baggs				Objections are set forth in defendants' motions filed
269	Witness Statement	Witness Statement of Ellen M. Fitzsimmons				Objections are set forth in defendants' motions filed
270	Witness Statement	Witness Statement of Alan Miller				Objections are set forth in defendants' motions filed
271	Deposition Designations	Deposition Designations				Objections are set forth in defendants' motions filed

No.	Doc. Type	Title/Subject	Date	Bates Range	Dep. Ex.	Objections
272	Miscellaneous	Schedule Analyzing Recently Produced Credit Suisse Hedging Documents (and Documents)		Schedule Analyzing Recently Produced Credit Suisse Hedging Documents; CS 001319-CS 001415		Prohibited by the terms of the stipulation regarding experts previously entered into between the parties (and so ordered by the Court)
273	Email	Email to M. Ward from P. Ratchford re: D Draper	7/31/2007	CSX CORP 00008137-CSX CORP 00008138		
274	Miscellaneous	Chart of CDS		3GC00015054-3GC00015054		
275	Email	Email to G. Sard from S. Amin re: Lunch?	1/15/08	TC10959364-TC10959368		

Exhibit C
Defendants' Exhibit List With Plaintiff's Objections

DEF. EX NO	Beginning Bates Number	End Bates Number	DATE	DESCRIPTION OF EXHIBITS	PLAINTIFF'S OBJECTIONS
1	33GC 00000024	3GC 00000040		CSX Investment Case	
2	3GC 00000363	3GC 00000367		Compilation of 3G Railroad Analysis post-February 9, 2007	Hearsay
	3GC 00000404	3GC 00000407			
	3GC 00000336	3GC 00000338			
	3GC 00000388	3GC 00000392			
	3GC 00000331	3GC 00000335			
	3GC 00000339	3GC 00000340			
	3GC 00000356	3GC 00000358			
	3GC 00000393	3GC 00000394			
	3GC 00000409	3GC 00000410			
	3GC 00000411	3GC 00000415			
	3GC 00000294	3GC 00000298			
	3GC 00000299	3GC 00000303			
	3GC 00000304	3GC 00000308			
	3GC 00000309	3GC 00000313			
	3GC 00000289	3GC 00000293			
	3GC 00000258	3GC 00000262			
3	3GC 00000612	3GC 00000616	2007-02-24	Summary of 3G Rail Customer Analysis	Hearsay
4	3GC 00000617	3GC 00000622	2007-02-24	Appendix - 3G Call Transcripts	Hearsay
5	3GC 000002930	3GC 000002931	2007-03	CSX Investment Summary, March 2007	
6	3GC 000003187	3GC 000003279	2007-03	US Railroads Investment Discussion	
7	3GC 000003280	3GC 00000330	2007-03	US Railroads Investment Discussion	
8	CSX 00000015	CSX 00000041	2007-03-02	HSR notification letter from Snehchal Amin to Michael Ward	

DFF EX. NO	Beginning Bates Number	End Bates Number	DATE	DESCRIPTION OF EXHIBITS	PLAINTIFF'S OBJECTIONS
9	CSX 00045776	CSX 00045780	2007-03-03	CSX Board minutes	
10	CSX 00011000	CSX 00011001	2007-03-08	Letter from Snehal Amin to Michael Ward, Oscar Munoz and Ellen Fitzsimmons	
11		CSX 00007287	2007-03-23	Email from K.Sharpe to T.Rogan; cc: D.Baggs	Hearsay
12	3GC 00000488	3GC 00000488	2007-03-23	Meeting Notes	Hearsay
13	3GC 00005770	3GC 00005771	2007-04	CSX Investment Summary, April 2007	
14	3GC 00003158	3GC 00003172	2007-04	Potential CSX Productivity Improvement Opportunities	
15	3GC 00006633	3GC 00006633	2007-04-02	Email from C.Bahbout to A.Behring, D.Schwartz	
16	3GC 00000504	3GC 00000508	2007-04-07	Summary (Highlights/Conclusion from Each Meeting)	Hearsay
17	CSX 00045781	CSX 00045786	2007-04-16	CSX Minutes of Special Board Meeting	
18	3GC 00006759	3GC 00006759	2007-04-17	Email from A.Behring to C.Bahbout; cc: B.Piquet, D.Schwartz	
19	3GC 00014051, 3GC 00014090	3GC 00014151 3GC 00014095	2007-05	3G Capital, January - April 2007 Review	
20	--	--	2007-05-01	Historical Price Lookup	
21	CSX 00041996	CSX 00042006	2007-05-01	CSX Minutes of Board Meeting	
22	CSX 00035131	CSX 00035140	2007-05-02	CSX Presentation for Board of Directors Meeting	
23	3GC 00005514	3GC 00005515	2007-05-04	Email from B.Piquet to L.Moura, A.Behring	
24			2007-05-07	CSX May 7, 2008 8-K	

DEF EX NO	Beginning Bates Number	End Bates Number	DATE	DESCRIPTION OF EXHIBITS	PLAINTIFF'S OBJECTIONS
25	--	--	2007-05-08	CSX May 8, 2007 8-K (attaching May 8 press release)	
26	REMOVED				
27	REMOVED				
28	CSX 00053058	CSX 00053059	2007-05-08	CSX Press Release	
29	--	--	2007-05-08	Historical Price Lookup	
30	CSX 00010891	CSX 00010891	2007-05-25	Morgan Stanley Letter	
31	3GC 00000490	3GC 00000490	2007-05-30	Meeting Notes	
32	3GC 00005659	3GC 00005660	2007-06-08	Email from B.Piquet	
33	3GC 00000239	3GC 00000257	2007-06-13	Affidavit of Alexandre Behring	
34	CSX 00000079	CSX 00000080	2007-06-14	Kirkland & Ellis LLP Fax Transmittal, Letter from A.Behring to O.Munoz	
35	3GC 00000485	3GC 00000487	2007-06-21	Summary of Meeting in Jacksonville w/CEO, CFO, IR, Legal	
36	3GC 00014252	3GC 00014252	2007-07	3G Capital 1H07 Review	
37	3GC 00005022	3GC 00005023	2007-07-13	Email from B.Piquet	
38	3GC 00005586	3GC 00005587	2007-08-09	Email from B.Piquet to A.Behring	
39	3GC 00000465	3GC 00000465	2007-08-10	Meeting Notes	Hearsay
40	3GC 00000464	3GC 00000464	2007-08-13	Summary of Lunch with A.Crown, Former COO of CSX	Hearsay

DEF. EX NO.	Beginning Bates Number	End Bates Number	DATE	DESCRIPTION OF EXHIBITS	PLAINTIFF'S OBJECTIONS
41	CS 000001	CS 000044	2007-09	Credit Suisse Compliance Manual	
42	MS-CSX 000054	MS-CSX 000061	2007-09-12	Morgan Stanley ATS Series Confirmation	
43	3GC 00005220	3GC 00005221	2007-09-12	Email from B.Piquet to A. Behring	
44	3GC 00014152 3GC 00014187	3GC 00014252 3GC 00014190	2007-10	3G Capital 3Q07 Review	
45	LAM 0000170	LAM 0000170	2007-10-05	Email from A.Behring to G. Lamphere	
46	3GC 00005565	3GC 00005566	2007-10-09	Email from B.Piquet to A.Behring	
47	TCI 0151825	TCI 0151838	2007-10-16	Letter from Chris Hohn and Snehal Amin to the CSX Board of Directors	
48	3GC 00004493	3GC 00004494	2007-10-16	Email from A.Behring	
49	TCI 0541923	TCI 0541924	2007-10-17	E-mail from Anthony Hatch to Snehal Amin and Rishi Sunak	
50			2007-10-17	Michael Ward's CNBC interview transcript.	Hearsay
51	TCI0943646	TCI0943650	2007-10-18	E-mail from Jared Levy to Snehal Amin and others.	
52	CSX 0000103	CSX 0000104	2007-10-22	Letter from Snehal Amin to CSX Board of Directors	
53	LAM 0000003	LAM 0000013	2007-10-22	Project Improve Template	
54	3GC 00004591	3GC 00004592	2007-10-22	Email from D.Schwartz to A.Behring	Hearsay
55	3GC 00007326	3GC 00007327	2007-10-23	Email from D.Schwartz to A.Behring, L.Moura, C.Bahbout	Hearsay
56	3GC 00012065	3GC 00012072	2007-11-06	Morgan Stanley ATS Series Confirmation	

DFF EX NO	Beginning Bates Number	End Bates Number	DATE	DESCRIPTION OF EXHIBITS	PLAINTIFF'S OBJECTIONS
57	3GC 00012057	3GC 00012064	2007-11-06	Morgan Stanley ATS Series Confirmation	
58	3GC 00004588	3GC 00004589	2007-11-09	Email from B.Piquet to A.Behring	
59	CSX 00004488	CSX 00004496	2007-11-16	Letter from the CSX Board of Directors to Chris Hohn and Snehal Amin	
60	3GC 00007419	3GC 00007419	2007-11-22	Email from D.Schwartz to L.Moura, A.Behring	"
61	TCI 0962243	TCI 0962245	2007-12-10	Letter from TCI to Tim O'Toole	
62	3GC 00000047	3GC 00000049	2007-12-10	Letter from 3G Fund L.P. to A.Behring	
63	3GC 00004763	3GC 00004764	2007-12-10	Email to B.Piquet to A.Behring	
64	TCI 0962239	TCI 0962242	2007-12-11	Letter from TCI to Gary Wilson	
65	TCI 0661641	TCI 0661645	2007-12-12	TCI and 3G Group Agreement	
66	CSX 00045830	CSX 00045863	2007-12-12	CSX Board minutes	
67	CSX CORP 00007228	CSX CORP 00007302	2007-12-14	CSX letter to S.Amin, M.Weingarten, D.Rosewater	
68	CSX 00011825	CSX 00011825	2007-12-15	Letter from Ellen Fitzsimmons to Schulte Roth & Zabel acknowledging receipt of TCIs notice of intent.	
69	CSX 00011790	CSX 00011804	2007-12-16	Letter from Marc Weingarten to Ellen Fitzsimmons to acknowledge receipt of the January 15, 2007 letter.	
70	LAM 0000055	LAM0000058	2007-12-18	Form of Director Nominee Agreement	
71	--	--	2007-12-19	Schedule 13D filing of CSX	

DEF EX NO.	Beginning Bates Number	End Bates Number	DATE	DESCRIPTION OF EXHIBITS	PLAINTIFF'S OBJECTIONS
72	--	--	2008-01-08	Letter from The Children's Investment Master Fund to E. Fitzsimmons	
73	3GC 00004527	3GC 00004528	2008-01-14	Email from B.Piquet to A.Behring	
74	CSX 00011790	CSX 00011804	2008-01-16	Letter from M.Weingarten to E.Fitzsimmons	
75	CSX 00008022		2008-01-18	Email from Kelly to Hohn	
76	CSX 00011773	CSX 00011789	2008-01-22	Schedule 13D/A filing of TCI and 3G	
77	3GC 00004832	3GC 00004832	2008-01-23	Email from A.Behring to D.Schwartz, L.Moura	
78	3GC 00012657	3GC 00012657	2008-02-08	Email from B.Piquet to J.Karis	
79	CSX_00001528	CSX_00001530	2008-2-14	CSX Board Responds to TCI's February 7, 2008.	
80	REMOVED				
81	3GC 00007520	3GC 00007521	2008-02-29	Email from B.Piquet to L.Moura, A.Behring	
82	--	--	2008-03-05	Transcript of Ward Congressional Testimony	
83	TCI0839083	TCI0839123	2008-3-05	Snehal Amin's Congressional Testimony	
84	--	--	2008-03-14	Inquiry Letter	
85	CSX 00009590	CSX 00009620	2008-03-17	Complaint	
86	--	--	2008-03-17	CSX Form 8-K	
87	CSX CORP 00000184	CSX CORP00000192	2008-03-17	Letter from A.Caples to N.Panos	
88	G-000091	G-000093	2008-03-20	Goldman Sachs Compliance Manual	

DEF. EX NO	Beginning Bates Number	End Bates Number	DATE	DESCRIPTION OF EXHIBITS	PLAINTIFF'S OBJECTIONS
89	--	--	2008-05-09	Schedule 14A filing for TCI and 3G	
90	--	--	2008-05-12	Schedule 14A Preliminary Proxy Statement for TCI and 3G	
91	--	--	2008-05-12	Schedule 14A filing for TCI and 3G	
92	TCI0155602	TCI0155620	--	Deutsche Bank Portfolio Swaps Standard Terms	
93	TCI0155823	TCI0155841	--	Deutsche Bank Portfolio Swaps Standard Terms	
94	UBS 00292	UBS 00299	--	UBS Compliance Manual	
95	TCI0888184	TCI0888185	--	Chart of Share Scenarios	
96	TCI0888187	TCI0888188	--	Chart of Share Scenarios	
97			--	List of All Known TCI Swap and Stock Transactions (Amin 1)	
98	--	--	--	CSX Articles of Incorporation	
99	--	--	--	Chart of Fees Paid to Investment Banks by CSX as Derived from Information Provided by CSX and Public Filings	Hearsay
100	--	--	2008-03-25	Rule 424(b)(5) Filing Issuing \$600,000,000 of CSX Corp. Notes	
101	--	--	2007-12-11	Rule 424(b)(5) Filing Issuing \$380,821,000 of CSX Transportation, Inc. Secured Equipment Notes	
102	--	--	2007-09-06	Rule 424(b)(5) Filing Issuing \$400,000,000 of CSX Corp. Notes	
103	--	--	2007-04-23	Rule 424(b)(5) Filing Issuing \$300,000,000 of CSX Corp. Notes	
104	--	--	2006-09-18	Rule 424(b)(5) Filing Issuing \$400,000,000 of CSX Corp. Notes	
105	--	--	--	Chart of TCI's Terminated Swap Agreements and Physical Share Purchases	

DEF EX NO.	Beginning Bates Number	End Bates Number	DATE	DESCRIPTION OF EXHIBITS	PLAINTIFF'S OBJECTIONS
106	3GC 00006185	3GC 00006186	--	Compilation of 3G documents re: safety	
107	3GC 00013926	3GC 00013926	--	3G Swap Transactions	Hearsay
108	BLANK				
109	CSX 00032208 CSX 00032900 CSX 000448070 CSX 00044663 CSX 000448099 CSX 00048064 CSX 00048091 CSX 00044922 CSX 00047214 CSX 00048079 CSX 00048095 CSX 00032989 CSX 00037385 CSX 00040247 CSX 00037381 CSX 00041583 CSX 00040679 CSX 00042993 CSX 00041108 CSX 00041839 CSX 00041758	CSX 00032208 CSX 00032902 CSX 000448070 CSX 00044664 CSX 000448101 CSX 00048066 CSX 00048094 CSX 00044925 CSX 00047217 CSX 00048082 CSX 00048098 CSX 00032992 CSX 00037385 CSX 00040248 CSX 00037383 CSX 00041585 CSX 00040681 CSX 00042995 CSX 00041111 CSX 00041842 CSX 00041761	--	Blue Ridge Action Items	
110	3GC 00000341 3GC 00000446	3GC 00000345 3GC 00000450	--	Compilation of 3G Railroad Analysis pre-February 9, 2007	Hearsay
111	BLANK		--		
112	CSX 00004101	CSX 00004103	--	Letter from D. Baggs to Executive Team	

DFF EX NO	Beginning Bates Number	End Bates Number	DATE	DESCRIPTION OF EXHIBITS	PLAINTIFF'S OBJECTIONS
113	CSX 00035076	CSX 00035077	--	2008 Share Repurchase Recommendations	
114	--	--	--	CSX Q1 2007 10-Q	
115	REMOVED				
116	TCI 0155986	TCI 0156022	2003-12-23	UBS ISDA Agreement	
117	TCI 0962101	TCI 0962120	2004	Citigroup Swaps Standards Terms	
118	DB 00020	DB 00035	2004-04-16	Deutsche Bank ISDA Agreement	
119	TCI 0155787	TCI 0155822	2004-04-16	Deutsche Bank ISDA Agreement	
120	TCI 0155621	TCI 0155635	2004-04-16	Deutsche Bank ISDA Credit Annex	
121	TCI 0156024	TCI 0156061	2004-07-28	JPMorgan Chase ISDA Agreement	
122	TCI 0156062	TCI 0156071	2004-07-28	JPMorgan Chase ISDA Credit Annex	
123	TCI 0155704	TCI 0155722	2004-09-07	Citigroup ISDA Agreement	
124	TCI 0155723	TCI 0155732	2004-09-07	Citigroup ISDA Credit Annex	
125	TCI 0155863	TCI 0155928	2005-12-22	Morgan Stanley ISDA Agreement (includes April 24, 2006 Credit Annex)	
126	TCI 0155733	TCI 0155786	2006-01-09	Goldman Sachs ISDA Agreement	
127	TCI 0155842	TCI 0155855	2006-01-09	Goldman Sachs ISDA Credit Annex	
128	3GC 00013563	3GC 00013588	2006-01-30	ISDA Master Agreement	
129	TCI 0155636	TCI 0155667	2006-02	Credit Suisse ISDA Agreement	

DEF EX NO	Beginning Bates Number	End Bates Number	DATE	DESCRIPTION OF EXHIBITS	PLAINTIFF'S OBJECTIONS
130	TCI0155668	TCI0155703	2006-02	Credit Suisse ISDA Credit Annex	
131	TCI0155856	TCI0155862	2006-04-24	Morgan Stanley ISDA Credit Annex	
132	TCI0155929	TCI0155935	2006-09-14	Merrill Lynch Swap Agreement	
133	TCI0155936	TCI0155973	2006-09-14	Merrill Lynch ISDA Agreement	
134	TCI0155974	TCI0155985	2006-10-02	Merrill Lynch Master Swaps Confirmation	
135	--	--	--	DTC List Comparison, 4/30/2007 to 11/30/2007	
136	--	--	--	DTC participant listings for April 30, May 31, June 29, July 31, August 31, September 28, October 31 and November 30, 2007	
137	DB 00279	DB 00369	--	Deutsche Bank's CSX Daily Stock Records from February 15, 2008 to March 10, 2008	
138	DB 00379	DB 00405	--	Deutsche Bank's Depository Trust Records from February 15, 2008 to March 10, 2008	
139				Counterparty Revenues	
140				Summary Exhibit to be prepared based on Exhibits 137 and 138	
141				CSX's Press Release entitled "CSX Reports Strong Double Digit Farmings Growth in Fourth Quarter" dated January 22, 2008.	
142				CSX's Schedule 14A Definitive Proxy Statement filed on March 30, 2007	

DEF. EX. NO.	Beginning Bates Number	End Bates Number	DATE	DESCRIPTION OF EXHIBITS	PLAINTIFF'S OBJECTIONS
143				CSX's Press Release entitled "CSX Corporation Declares Dividend" dated May 3, 2006.	
144				Hohn witness statement	
145				Amin witness statement	
146				Bering witness statement	
151				Banker deposition	
152				Banker deposition	
153				Banker deposition	
306			1/8/2008	Ward's notes from conversations with Mr. Kelly and various reports Mr. Kelly made	
307				Ward's handwritten notes	

NB: Defendants reserve the right to use any exhibits included on the Exhibit List of CSX and Michael Ward.